

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
August 3, 2023
7:00 pm

***Please turn off or turn to mute all electronic devices during the
Planning Commission Meetings**

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on July 20, 2023.
5. Consideration of a Minor Final Plat of Tract 3 Runaway Manor, consisting of two (2) lots, zoned A-R, is located in Land Lot 223 of the 4th District and fronts on Bernhard Road.
6. Consideration of a Minor Subdivision Plat of Madison Monroe Acres. The property will consist of two (2) lots, zoned A-R, is located in Land Lot 250 of the 5th District and fronts on fronts on GA Highway 279 and Morning Road.
7. Consideration of a Minor Division Plat for Steve Buice 117 Hickory Hill Road and 262 Mask Road,, consisting of two (2) lots, zoned A-R, is located in Land Lot 6 of the 4th District and fronts on Hickory Hill Road and Mask Road.

PUBLIC HEARING

8. Consideration of Petition No. 1330-23, Joshua D. Brewer and Corrie E. Brewer, Owner, request to rezone 19.58 acres from P-U-D to A-R. This property is located in Land Lot 1 of the 7th District, and fronts on Green Meadow Lane.

OLD BUSINESS

9. Work session to discuss Chapter 110. Zoning Ordinance, regarding Sec. 110-169. Conditional use approval.

Meeting Minutes 7/20/23

THE FAYETTE COUNTY PLANNING COMMISSION met on July 20th, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver, Chairman
John H. Culbreth Sr., Vice Chairman
John Kruzan
Danny England

MEMBERS ABSENT: Arnold Martin

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0. Arnold Martin was absent.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0. Arnold Martin was absent.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Debbie Bell stated item number five and six are related and they pertain to the same piece of property so she explained both items and noted they will need separate hearings. She stated the subject property is currently zoned conservation subdivision , C-S. It was rezoned on August 25 2005. And it is what you see here labeled as phase two of morning falls. The part for the final plat for phase one was recorded in May of 2008. The whole parcel was rezoned to conservation subdivision for the purposes of developing a single family subdivision. The land disturbance permit was approved in 2006. And the developer proceeded to build phase one, but didn't complete the

project. The property was in a subject of a foreclosure and on May 16 2008, First Citibank recorded the plat for phase one, which stopped right here at this line between lots 29 and 43. And they recorded that as the owner developer. So phase two was never developed. That original plan indicates and would allow 13 additional lots in phase two. Mr. Powell purchased phase two from first Citibank in 2011. There's another little sliver up here that you don't see on this plat that was retained by the developer for purposes of providing conservation acreage needed to meet requirements for phase one. And then in 2011, Mr. Pell deeded the land to an LLC of which he is apart, they placed the property in a conservation easement for the purpose of preserving it as wildlife habitat and that was renewed in 2022. She stated the request for item number five is revise the development plan RDP-016-23 which is to remove phase two from the subdivision and just let it be a standalove lot again. It has frontage on a public road so it meets the requirements. Their purpose is simply to preserve it as a wildlife habitat and recreation area for their families. There are some environmental concerns. It's located right up at the very north edge of the county. Debbie Bell displayed the lot and stated there's a significant stream that flows through it. It is surrounded largely by AR zoning. Staff feels like the reversion to AR is appropriate and that would still meet the land use map as low density residential. She stated there is a significant amount of floodplain and wetland associated with that stream. The applicant's intent is to carve out one five acre parcel here for one single family residential home And then maintain the rest of this property and conservation use. They do not intend to develop it as a subdivision. Then the second half of that request is just the rezoning from CS back to AR.

Chairman Oliver asked if the petitioner was present?

John Pell introduced himself. He stated, we live very close to within a half a mile of the land we're talking about and it's been a pleasure. He expressed his excitement for being able to use it this recreation for his grandchildren. He stated it's a great place where they've seen bobcats, turkeys, coyotes, and deer. He stated they have do desire to make a development and it will be purely for recreation.

Chairman Oliver asked if there had been any objection from the neighbors.

Mr. Pell stated no.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Debbie Bell stated staff recommends approval conditional approval of this with the following conditions. And these have been discussed with the petitioner when the subdivision was platted:

1. The petitioner shall, within 60 days, record a revised minor final plat creating Tract I, the portion to be removed from the Morning Falls Development Plan, and Tract II, which will remain part of the Morning Falls Subdivision. These tracts are described in the accompanying legal descriptions and survey for the revised plat.

2. The petitioner shall, within 60 days, transfer Tract II to Fayette County so that the County may transfer this acreage to the owner of Lot 29 in exchange for right of way along the frontage of Gadson Drive, enabling Lot 29 to maintain the correct minimum lot acreage.
3. The petitioner shall dedicate to Fayette County sufficient right of way along the Tract I frontage of the cul de sac of Gadson Drive to provide a 60' right of way.
4. Article VII. Watershed Protection., shall apply to any State Waters identified on the property during the Land Disturbance permitting process.
5. Post-Development Stormwater Management Ordinance will apply if developed with more than 5,000 square feet of impervious surface.

Chairman Oliver asked if Mr. Pell were familiar with and agreed to the condition.

Mr. Pell agreed to the conditions.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Debbie Bell stated items seven, eight, and nine are related to one another but they're sequential. Staff recommends approval of this ordinance to provide procedures for special use of property. Currently sections 110-175 through 201 are reserved sections. The amendment recommended is to add section 110-175 A special use of property as noted and then sections 110-176 to 110-201 will remain as reserved sections.

Chairman Oliver asked if there was comment from the audience?

Debbie Bell stated Mr. Kaye was not there and the final item is for the consideration of the special use permit. She stated these steps are leading up to that. She stated this is the process to establish the special use then to establish the specific use, and then to add it to O-I. And that will be followed by the actual presentation of the special use permit.

Attorney Cox explained they are going to add this whole new category of property uses. The special use of property. And then the next item, they'll add the detox facilities as a special use. And then the next item adds that special use in O-I so they're sequential.

Chairman Oliver asked if there were any further comments from the Board. There were none.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse

Treatment Facility.

Debbie Bell stated this is taking that item A that was reserved in the first motion and adding this particular use and adding some conditions so it functions similarly to the conditional use permits.

Chairman Oliver asked if the Board of Commissioners will see this?

Debbie Bell stated yes. It will go before the Board of Commissioners on July 27th.

Chairman Oliver asked if there were any comments from the audience? There were none. He asked if the Board had any further comments. There were none.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

Debbie Bell stated this is adding a special use of property to O-I and adding that particular use. Staff recommends approval.

Danny England noted a grammatical error in the amendment.

Debbie Bell stated she will have it corrected.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Debbie Bell stated the request is to operate substance abuse treatment facilities special use of property. This will go before two hearings before the Board of Commissioners. One will be next week, July 27, 2023. The second public hearing is tentatively planned for January 25, 2024. The uses now will be defined in Section 110-3 Definitions. And then with the previous three text amendments it has been as it'll be established in the ordinance.

Rick Lindsey introduced himself on behalf of Adam Kaye. He stated there used to be hospice at

this property and it has been closed for several years. He stated his client is seeking to develop a medical detox center, which would be for patients who have acute medical need for detoxing from substance abuse or overdose. Whether it's prescription drugs, alcohol, or illegal substances. It will be a 24 hour a day staffed facility with medical folks there all day long. He stated it will be great for the community and offer an alternative for when the local hospitals treat patients for substance abuse and they're trying to detox and stabilize and being release to go home. This facility provides a safe place for those who are going through detox to be medically supervised and treated as they're going through detox which only takes two to five days. He stated medically trained individuals and doctors will be there every day. He showed a drawing layout of the facility. He stated there are 12 patient rooms that will hold stay patient rooms. He stated right now it is more than three acres. It's 3.09 acres. It is located on a major thoroughfare, Highway 54. And the only access is off 54. There's not a side drive. And then it goes on to a residential street. There will be a 50 foot buffer on the portions of the property that adjoin either AR or residential. Part of the property abuts property that's in Fayetteville. He stated in Fayetteville the property is zoned Residential Professional but there is no definition of Residential Professional so he's going to assume it's residential. But this property will comply because the 50 foot buffer is in place and that. He stated they would also do fencing on the property. He further stated the facility will be licensed and approved by Georgia Department of Community Health. He concluded that there is a lot of interest in the community to have this facility as they request the Special Use Permit. He welcomed any questions.

Chairman Oliver asked if the fencing is a requirement of the zoning?

Debbie Bell stated that was put in this package as one of the conditions, one of the itemized conditions, essentially the conditions that we put under this amendment are the same. As for a hospice, the fence is an addition. It doesn't require that the fence completely wrap the property. It's only where it abuts AR or other residential zoning.

John H. Culbreth Sr. asked if the facility met the conditions necessary with the category of being a hospital?

Debbie Bell stated it is a different use so it doesn't necessarily have the same requirements as a hospital. For instance, it has a much smaller allowable parcel size.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JIM OLIVER, CHAIRMAN

ATTEST:

CHELSIE BOYNTON
PC SECRETARY

To: Fayette County Planning Commission

From: Deborah Bell, Planning and Zoning Director 

Date: July 26, 2023

Subject: Minor Final Plat to be considered on August 3, 2023

MINOR FINAL PLAT

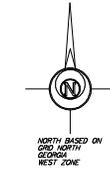
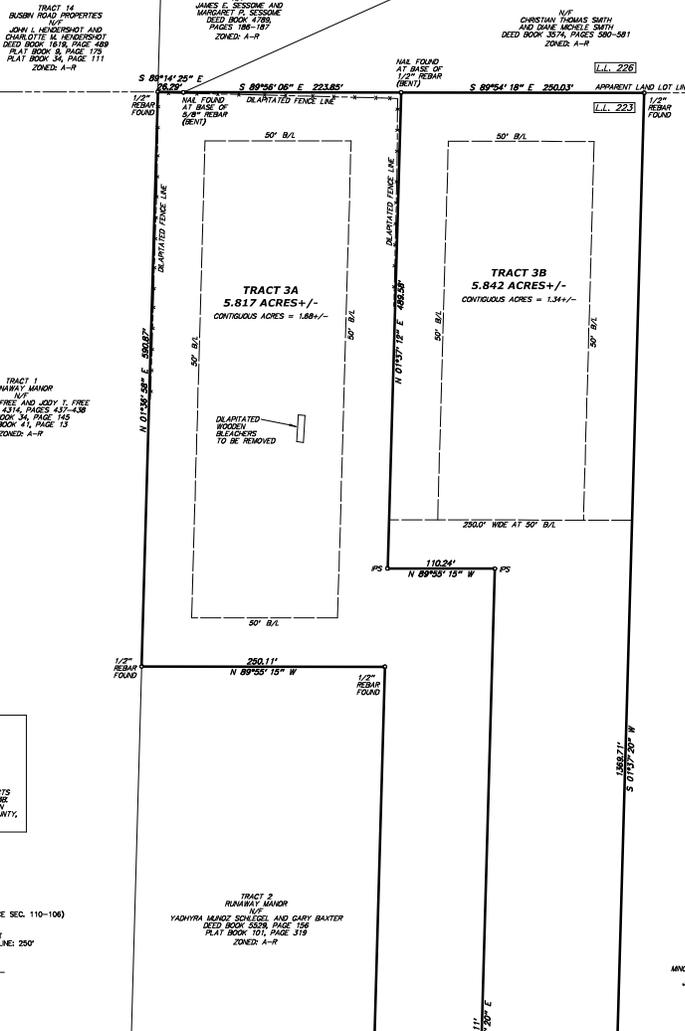
OWNER/APPLICANT

Minor Final Plat of Tract 3 Runaway Manor

Gary Baxter

Recommend **APPROVAL** for the Minor Final Plat.

FOR REVIEW



LEGEND

B/L = BUILDING LINE
 P/S = 1/2" REBAR SET
 L.L. = LAND LOT
 N/W = NOW OR FORMERLY
 O/H-U = OVERHEAD UTILITIES
 P/W = PLYWOOD WALL
 U/P = UTILITY POLE

NOTE: ALL 1/2" REBAR SET ARE 18" IN LENGTH WITH YELLOW PLASTIC CAP STAMPED LSP 000791

MINOR FINAL OF TRACT 3 RUNAWAY MANOR

THE PURPOSE OF THIS MINOR FINAL IS TO SUBDIVIDE THIS PROPERTY INTO TWO TRACTS BEING KNOWN AS TRACT 3A AND TRACT 3B. THIS PLAT WAS PREVIOUSLY RECORDED IN PLAT BOOK 101, PAGE 318, FAYETTE COUNTY, GEORGIA RECORDS.

SITE DATA

ZONING: A-R
 MINIMUM SETBACKS:
 FRONT: 100' OR AS SHOWN
 REAR: 20' OR AS SHOWN
 SIDE: 20' OR AS SHOWN
 (REFERENCE: FAYETTE COUNTY ORDINANCE SEC. 110-106)

MINIMUM LOT SIZE: 5 ACRES
 MINIMUM HOUSE SIZE: 1200 SQUARE FEET
 MINIMUM LOT WIDTH AT FRONT BUILDING LINE: 250'

TOTAL NUMBER OF LOTS: 2
 TOTAL AREA OF LOTS: 11.659 ACRES+/-

TRACT 3
 RUNAWAY MANOR
 YADHYRA MANZO SCHOLES AND GARY BAXTER
 DEED BOOK 328, PAGE 156
 PLAT BOOK 101, PAGE 318
 ZONED: A-R

APPROVALS:

Approved by Fayette County Environmental Health Department
 Date _____ Signed _____
 Environmental Health Specialist

Approved by Fayette County Environmental Management Department
 Date _____ Signed _____
 Environmental Management

Approved by the Fayette County Engineer
 Date _____ Signed _____
 County Engineer

Approved by the Fayette County Planning Commission on: _____
 Date _____ Signed _____
 Secretary

Approved by Fayette County Zoning Administrator.
 Date _____ Signed _____
 Zoning Administrator

Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown.
 Date _____ Signed _____
 Fire Marshal

The field data upon which this survey is based has been compared for consistency and departure and has a closure precision of one part in 100,000. It is an independent survey. A local magnetic meridian was used to obtain line and angular measurements. It is my professional opinion, that this plat, as filed and set representation of the land district, has been prepared to meet the minimum standards and requirements of law, and has been compared for closure and found to be accurate within one foot in 123,000.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, RULE 180-3-2 (P) THE TERM CERTIFICATION AS USED IN BONDING RULES 180-3-2(2)(D) AND (3) AND RELATING TO PROFESSIONAL ENGINEERS OR LAND SURVEYORS SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL REGULATIONS, RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS. UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTIES REGARDING INFORMATION SHOWN PERTAINING TO RIGHTS-OF-WAY EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER MATTERS THAT MAY AFFECT THE PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

As required by subsection (4) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by a certified local jurisdiction for recording as evidenced by approval or license, signature, stamp, or statement hereon. Such approval or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any property. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

FOR REVIEW 04-20-2023
 Lorry C. Shinnick, Co. PLS No. 2343 Date _____

CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	4878.00'	01°33'34"	14.31'	14.12'	70.68'	S 83°04'48" W
2	4878.00'	01°18'10"	110.94'	110.94'	55.47'	S 83°13'41" W

FINAL SURVEYOR'S CERTIFICATE:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type and material are correctly shown.

Plat Act.

By: _____
 Georgia Professional Land Surveyor
 No. 2343
 Date: 04-20-2023

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PURSUING THE SURVEY. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON PURSUING BY INTEREST A RECEIPT THEREBY BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Date: SEPTEMBER 26, 2008

- NOTES:**
- THIS IS A SUBDIVISION OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 328, PAGE 115, AND PLAT BOOK 101, PAGE 318, FAYETTE COUNTY, GEORGIA RECORDS.
 - CURRENT OWNER: YADHYRA MANZO SCHOLES AND GARY BAXTER PER DEED BOOK 328, PAGE 115, FAYETTE COUNTY, GEORGIA RECORDS AS OF 08-11-2022.
 - THIS SURVEY WAS AUTHORIZED BY GARY BAXTER.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 - BEARINGS BASED ON STATE PLANE COORDINATES, (GEORGIA WEST ZONE) PER EPSG REAL TIME NETWORK READINGS.
 - THERE ARE NO WETLANDS ON THIS PROPERTY PER FAYETTE COUNTY GIS (PUBLICGIS).
 - FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE, EASEMENT OR OVERHEAD DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.
 - THE PROPERTY IS NOT A GROUNDWATER RECHARGE AREA PER FAYETTE COUNTY GIS (PUBLICGIS).
 - EACH RESIDENTIAL LOT HAS A MINIMUM CONTIGUOUS AREA OF 0.8 ACRES THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERFISHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS IN ANY MANNER.
 - NO VISIBLE CEMETERY OR BURIAL GROUNDS WERE OBSERVED ON THIS PROPERTY BY THE SURVEYOR AT THE TIME OF THE SURVEY.
 - THERE ARE STRUCTURES ON THIS PROPERTY (WOODEN BLEACHERS TO BE REMOVED).
 - THERE ARE NO STATE WATERS ON THIS PROPERTY.
 - WATER TO BE PROVIDED BY INDIVIDUAL WELLS.
 - SEWERAGE TO BE PROVIDED BY AN ON-SITE SEPTIC SYSTEM.
 - SITE BENCHMARK: NAL SET IN UP - ELEVATION = 821.00 (NAV88)
 - UNLESS OTHERWISE SHOWN, THERE WERE NO EASEMENTS FOUND ON RECORD OR RECORD OF EASEMENT WAS FOUND ON THE OVERHEAD UTILITY LINES.
 - THE RECORDING OF THIS PLAT DOES NOT CONVEY OWNERSHIP OF PROPERTY. EXISTING OWNERS WILL NEED TO HAVE DEEDS RECORDED TO CONVEY PROPERTY AS SHOWN ON THE PLAT.
 - HORIZONTAL AND VERTICAL DATUM ESTABLISHED WITH BRT7 ROVER USING THE EGGS REAL TIME NETWORK.

PARCEL A
 MINOR FINAL PLAT FOR JEFFERY & SHERRY HENKOP
 N/W
 JEFFERY & SHERRY E. HENKOP
 DEED BOOK 187, PAGE 104
 DEED BOOK 274, PAGES 248-247
 ZONED: A-R

OWNER'S CERTIFICATE:

I, the undersigned, certify that as the legal owner/owners of the subject property, I have hereby authorized the submission of this final plat for the subdivision of my/our property.

Owner _____ Date _____ Mortgagee _____ Date _____
 Owner _____ Date _____ Mortgagee _____ Date _____



W.D. Gray and Associates, Inc.
 land surveyors - planners
 160 GREENCASTLE ROAD SUITE B TYRONE GEORGIA 30280
 PH. 770-488-7552 FAX 770-488-0498

OWNER/DEVELOPER
GARY BAXTER
 399 BERNHARD ROAD
 FAYETTEVILLE, GA. 30215
 PHONE: 615-631-1293

LAND LOT: 223	DATE OF SURVEY: 04-20-23
4th DISTRICT	DATE OF DRAWING: 04-20-23
FAYETTE COUNTY, GA.	REVISED:
SCALE: 1" = 60'	JOB NO. 2303018

To: Fayette County Planning Commission
From: Deborah Bell, Planning and Zoning Director 
Date: July 26, 2023
Subject: Minor Subdivision Plat to be considered on August 3, 2023

MINOR FINAL PLAT

Minor Subdivision Plat of
Madison Monroe Acres

OWNER/APPLICANT

Danielle Rudolph

Recommend **APPROVAL** for the Minor Subdivision Plat.

To: Fayette County Planning Commission
From: Deborah Bell, Planning and Zoning Director 
Date: July 26, 2023
Subject: Minor Division Plat to be considered on August 3, 2023

MINOR FINAL PLAT

OWNER/APPLICANT

Minor Division Plat for
Steve Buice 117 Hickory Hill Rd & 262 Mark Rd

Richard Steve Buice, Jr.

Recommend **APPROVAL** for the Minor Division Plat.

PETITION NO: 1330-23

REQUESTED ACTION: Rezone from PUD-PRL to A-R

PARCEL NUMBER: 0701 072

PROPOSED USE: Agricultural-Residential

EXISTING USE: Undeveloped land

LOCATION: Green Meadow Lane

DISTRICT/LAND LOT(S): 7th District, Land Lot 1

OWNERS: Joshua B. Brewer & Corrie E. Brewer

AGENT: N/A

PLANNING COMMISSION PUBLIC HEARING: August 3, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: August 24, 2023

APPLICANT'S INTENT

Applicant proposes to rezone 19.58 acres from PUD-PRL to A-R for the purposes of building a single-family home and accessory structures.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential is designated for this area, so the request for A-R zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of A-R, Agriculture-Residential District, subject to the following conditions:

1. The parcel shall retain the 75' perimeter buffers established by Rezoning Resolution No. 1222-11.
2. The parcel shall retain the 150' building setback from rights of way as established by Rezoning Resolution No. 1222-11.
3. The petitioner shall, within 30 days, provide a foundation survey showing the unpermitted accessory structure to determine if a variance is required to retain the structure in its present location.
4. If a variance is required for the accessory structure, the petitioner shall apply for said variance within 30 days of the determination of need by staff.
5. Once the appropriateness of the accessory structure location is resolved, the petitioner shall proceed with the required building permit application for the structure before any other permits shall be issued.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is currently part of the Rountree Place subdivision and is a legal lot of record. This property is not located in an Overlay Zone.

B. REZONING HISTORY:

December 15, 2011 -- Board of Commissioners approved Petition No. 1222-11 to rezone 494.39 acres from A-R to PUD-PRL, for the purposes of developing Camp Southern Ground as a planned retreat or lodge. A concurrent petition was filed for a Revised Development Plan for Rountree Place Subdivision, RP-050-11. This added acreage to existing Lot 9 (Tract 6) and created Lot 20 (Tract 5) in Rountree Place.

October 4, 2012 – Preliminary Plat for Camp Southern Ground approved by the Planning Commission.

August 7, 2014 – Final Plat for Camp Southern Ground approved by the Planning Commission.

October 27, 2016 – Revised Development Plan for Camp Southern Ground approved by BOC. This removes two residential tracts from the PUD.

January 25, 2017 – Revised Final Plat of Camp Southern Ground approved by Planning Commission. This made changes to Camp elements and removed tracts 5 and 6 from the Development. They retained to PUD zoning district.

July 14, 2017 – Revised Final Plat of Rountree Place approved by Planning Commission. This added acreage to Lots 9 and 20.

C. CURRENT DEVELOPMENT HISTORY:

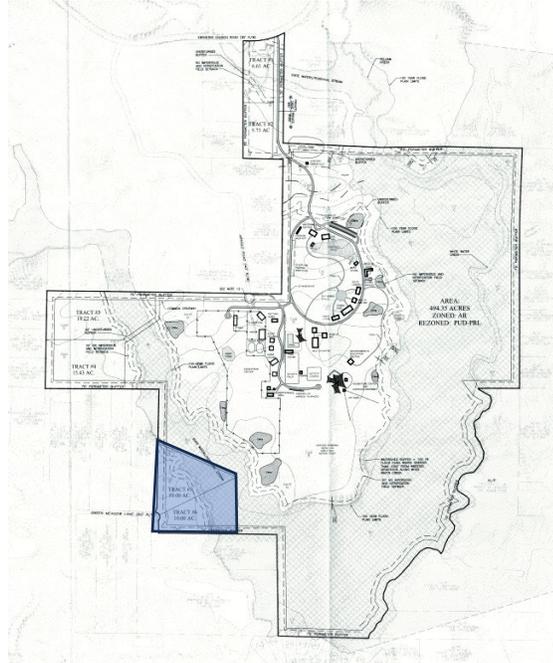
April 10, 2023 - Lot 20 purchased by Joshua D. Brewer and Corrie E. Brewer.

May 2, 2023 – Brewer applied for a building permit, requesting multiple buildings under the same application.

May 3, 2023 – The permit application was rejected for multiple reasons. Mr. Brewer spoke with Deborah Sims and was advised that he needed separate permits for each structure, and that he could not build the barn before the house because the zoning is PUD-PRL. He applied to rezone to AR in order to build a barn before a house.

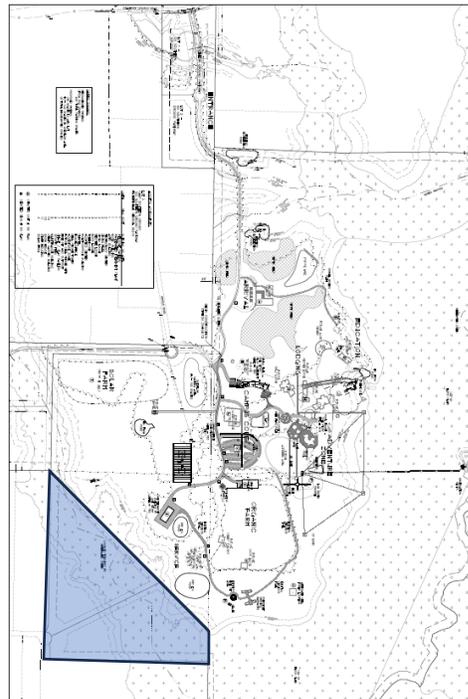
July 21, 2023 – Staff received multiple complaints that a structure was built without a permit and that there were concerns it might be encroaching on a required buffer.

July 24, 2023 – Building Safety posted a Stop Work Order for a structure built without a permit.



ORIGINAL DEVELOPMENT PLAN, 08/07/2014

Tracts 5 and 6 are residential lots, part of the Camp Southern Ground PUD. They are approved as Lots 20 and 9, respectively, in Rountree Place Revised Development Plan, but are part of the PUD-PRL Zoning District.



REVISED DEVELOPMENT PLAN, 10/27/16

Acreage is added to Lots 9 and 20 in Rountree Place and they are omitted from the Camp Southern Ground PUD but retain the PUD-PRL zoning. Both Camp Southern Ground and Rountree Place are approved for Revised Final Plats.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East	410.55	PUD-PRL	Planned Retreat or Lodge	Rural Residential 3 – 3-acre minimum
South	15.75	PUD-PRL	Single-family residence	Rural Residential 3 – 3-acre minimum
West	250 (Rountree Pl. S/D)	A-R	Single-Family Residential	Rural Residential 3 – 3-acre minimum

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential 3 on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Green Meadow Lane.

Site Plan: The applicant submitted a concept plan for the property. Although the Concept Plan meets the requirements of the A-R District and the buffer and setback requirements recommended in the conditions, it is unknown whether the unpermitted structure meets the requirements since we do not have a survey showing the exact location of the structure.

E. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to the proposed rezoning.
- Public Works/**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Existing access is acceptable.
- Environmental Management**
 - All improvements need to be submitted on an updated survey - including gravel drives and storage facilities permitted or unpermitted.
 - Owner should note that the previous plat provides location of flood plain, state waters, and wetlands and all Fayette County ordinances will apply to these items.
 - If the owner has violated any of the listed items there may be remediation that will have to take place.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0094E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
 - **Wetlands** - The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property.

- **Groundwater** – The property **IS NOT** within a groundwater recharge area.
- **Stormwater Management** – There is no stormwater management facility on the parcel.
- Environmental Health Department** – This office has no objections to the proposed rezoning.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

STAFF ANALYSIS

1. The subject property lies within an area designated for Rural Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential. Staff recommends that the buffers and setbacks that applied to the PUD-PRL zoning district be retained for this parcel.

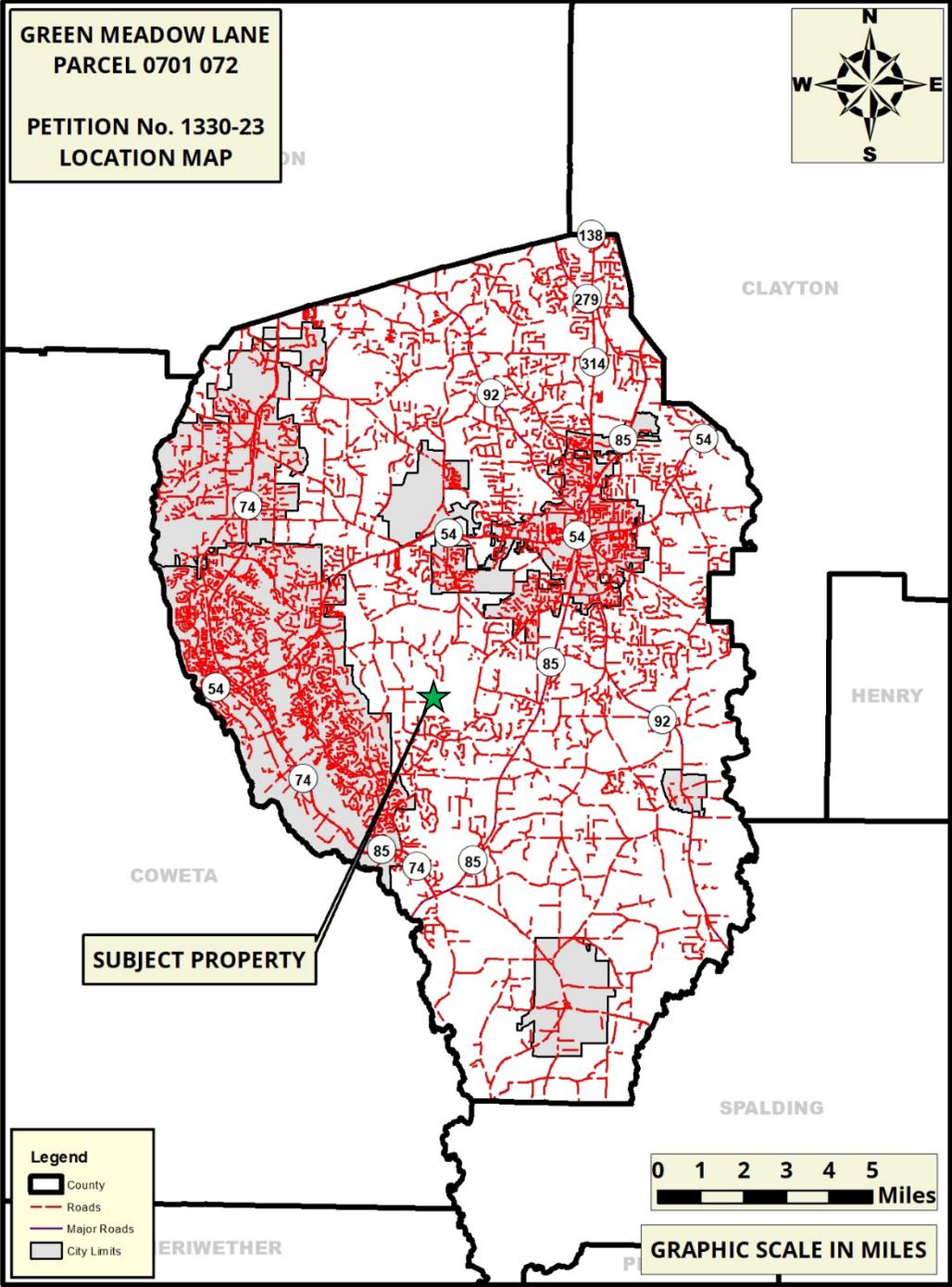
ZONING DISTRICT STANDARDS

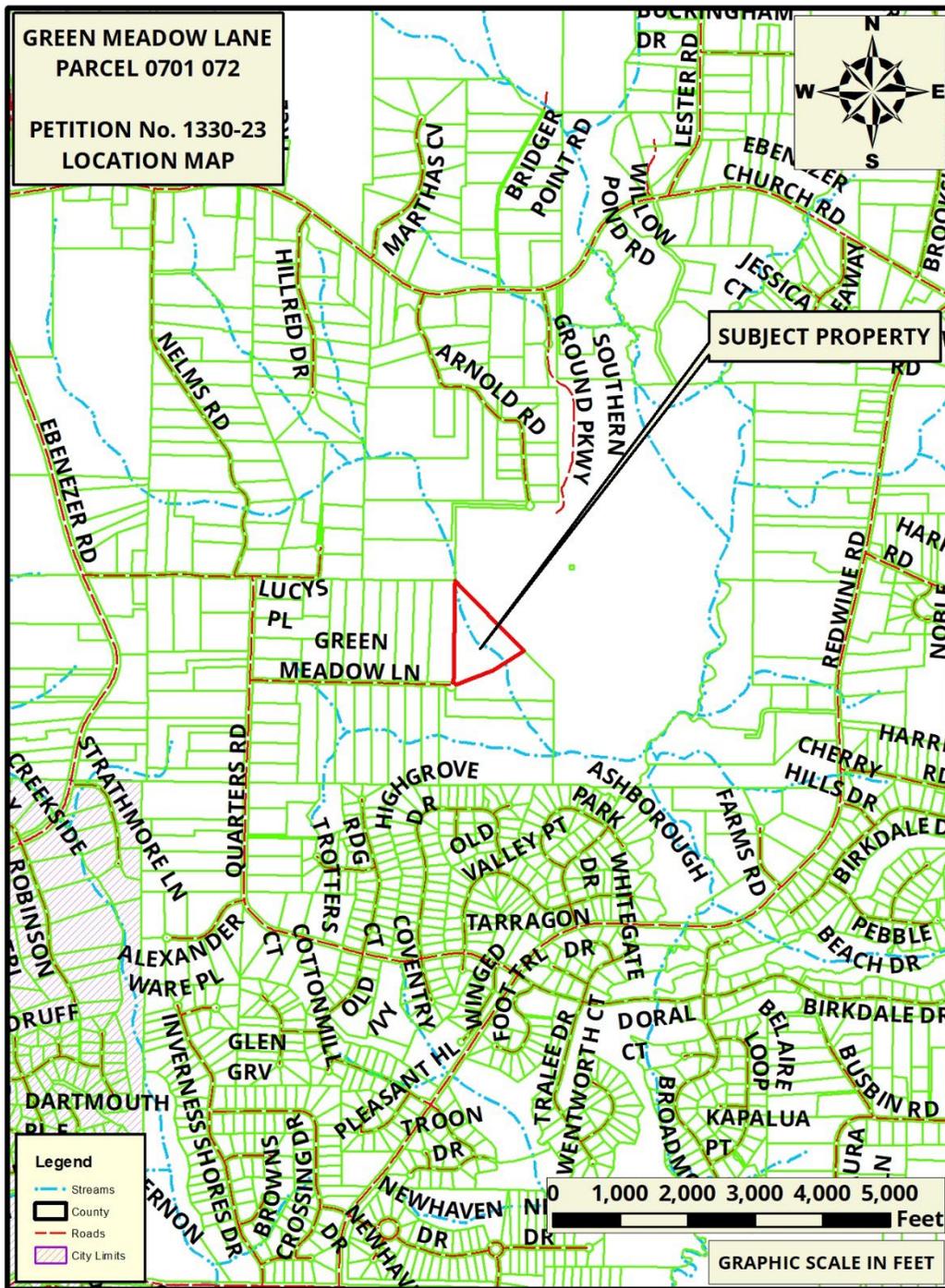
Sec. 110-125. A-R, Agricultural-Residential District.

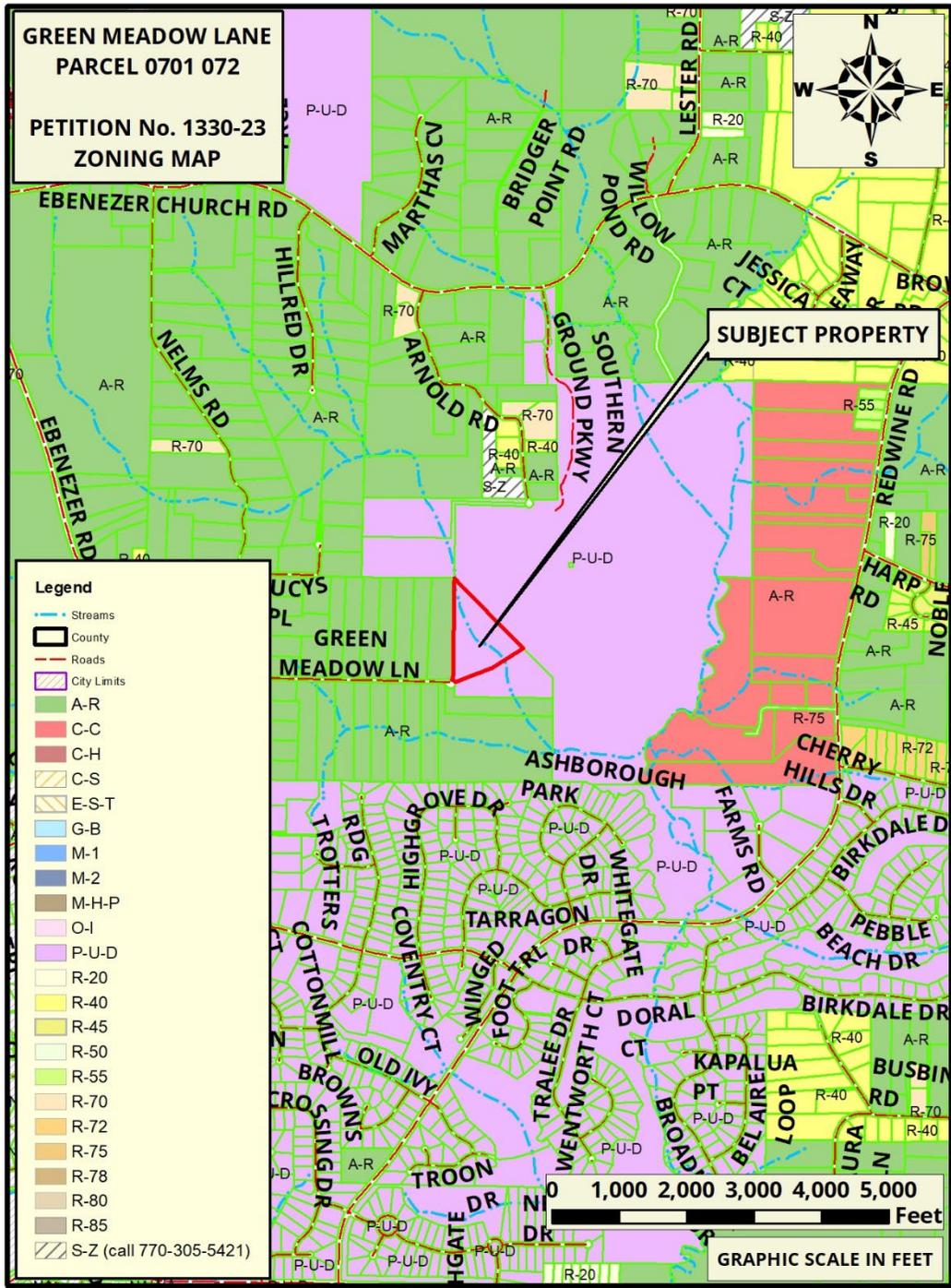
- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter);
 - (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
 - (4) Plant nurseries and greenhouses (no sales of related garden supplies);
 - (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
 - (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
- (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
 - (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;

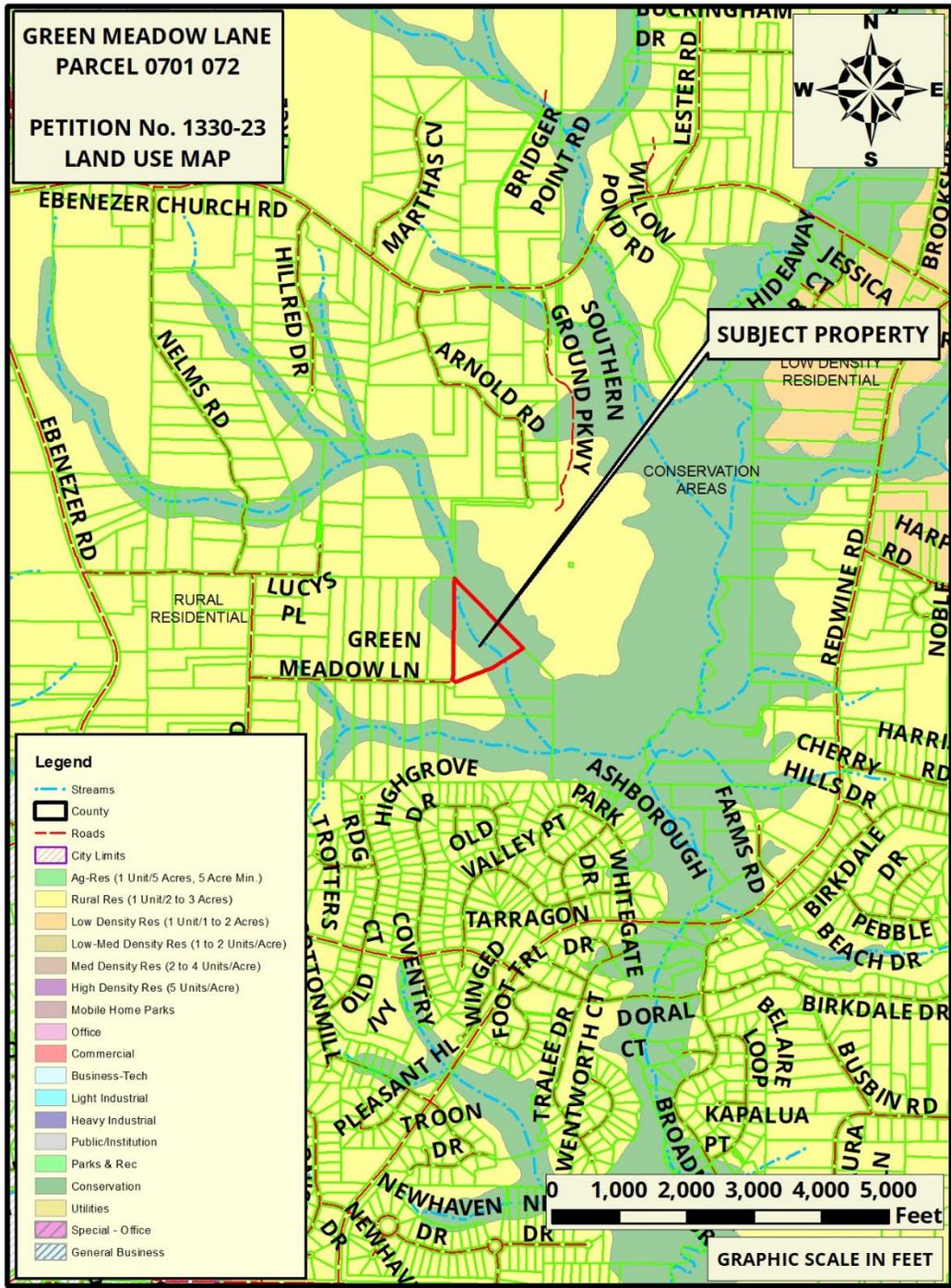
- (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

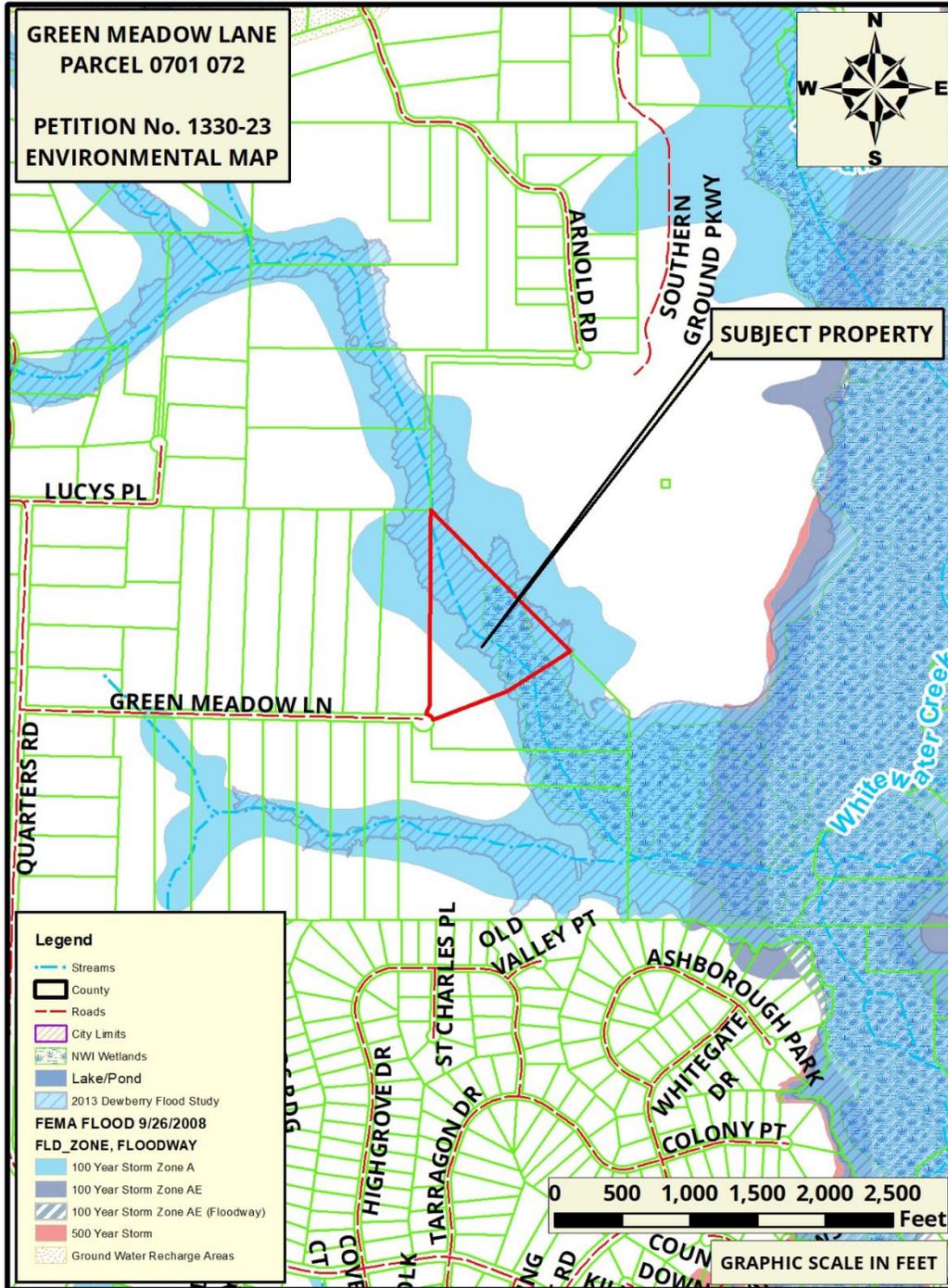
(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)

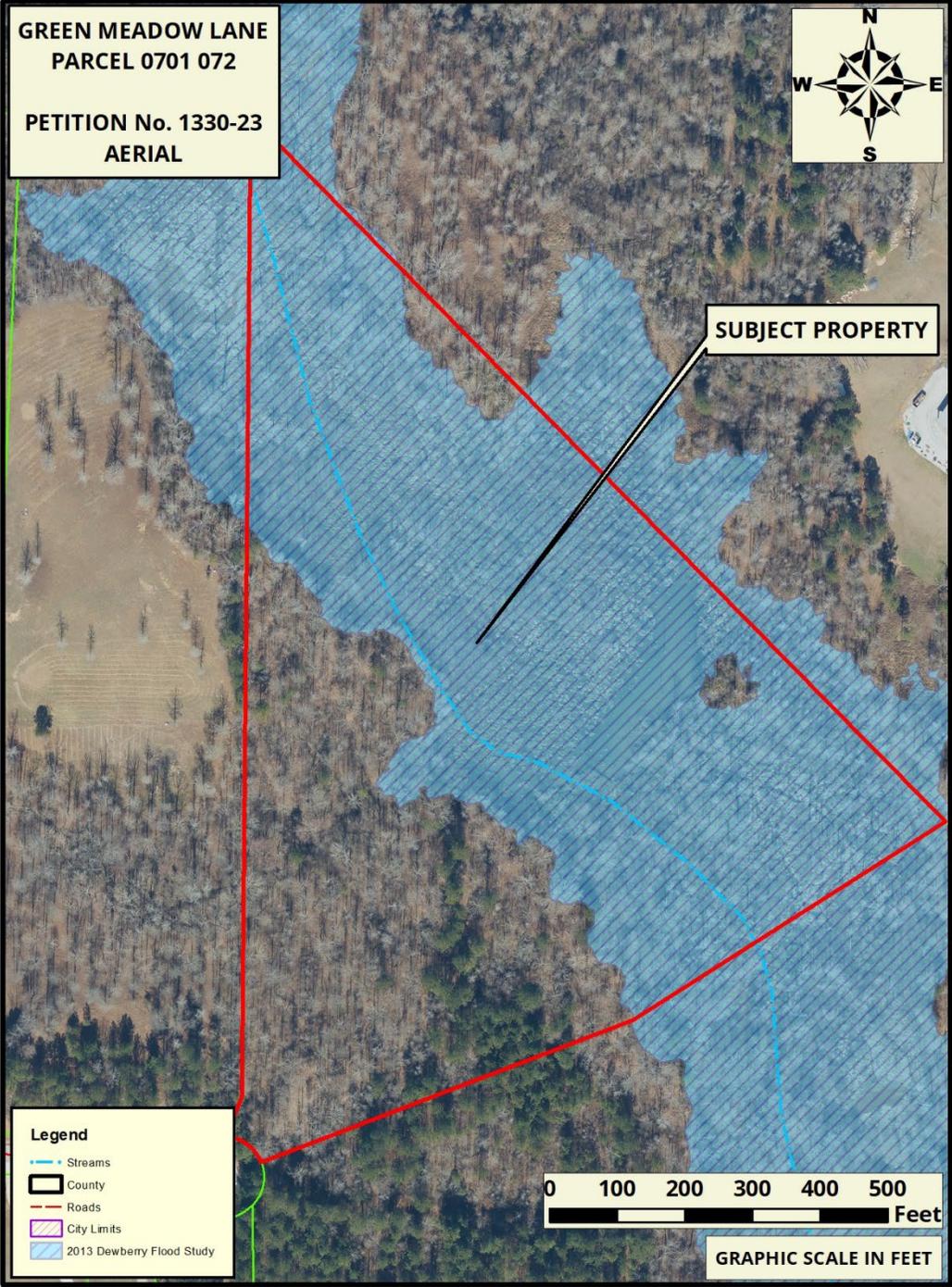




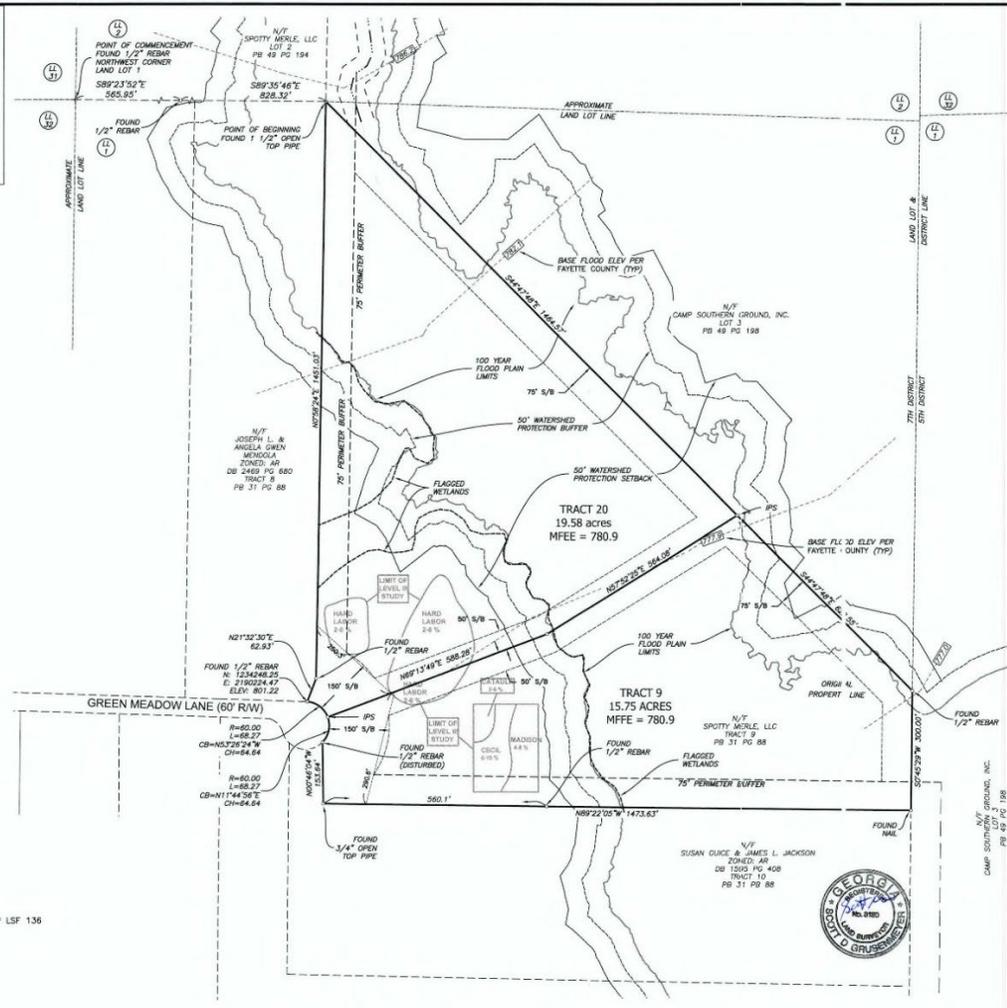








JOB NO: 2018082003 TRACT PLAT
 RECORDED: 07/25/2017 AT 09:30:00 AM
 FILE NO: 82-00 PAGE 1 OF 3
 FAYETTE, GA CIVIL SUPERIOR COURT
 SHALL CONSIDER THIS A PUBLIC DOCUMENT
 BK 50 PG 37-39
 COPY



LEGEND
 S/B = BUILDING SETBACK LINE
 IPF = IRON PIN FOUND
 IPS = SET 1/2" REBAR WITH CAP LSF 136
 DB = DEED BOOK
 PG = PAGE
 N/F = NOW OR FORMERLY
 LL = LAND LOT
 R = RADIIUS
 L = LENGTH
 CB = CHORD BEARING
 CH = CHORD LENGTH



NO.	DESCRIPTION	DATE
1	PRELIMINARY	7/17/17
2	FOR COMMENTS	7/17/17
3	FOR APPROVAL	7/17/17

Drawn by: SDC
 Checked by: SDC
 Project: 1807-1305
 Scale: 1" = 100'
 Located in Land Lot 1 of the 7th District, Fayette County, GA

REVISED FINAL PLAT
 OF
 TRACT 9
 ROUNDTREE PLACE
 SHEET 3 OF 3

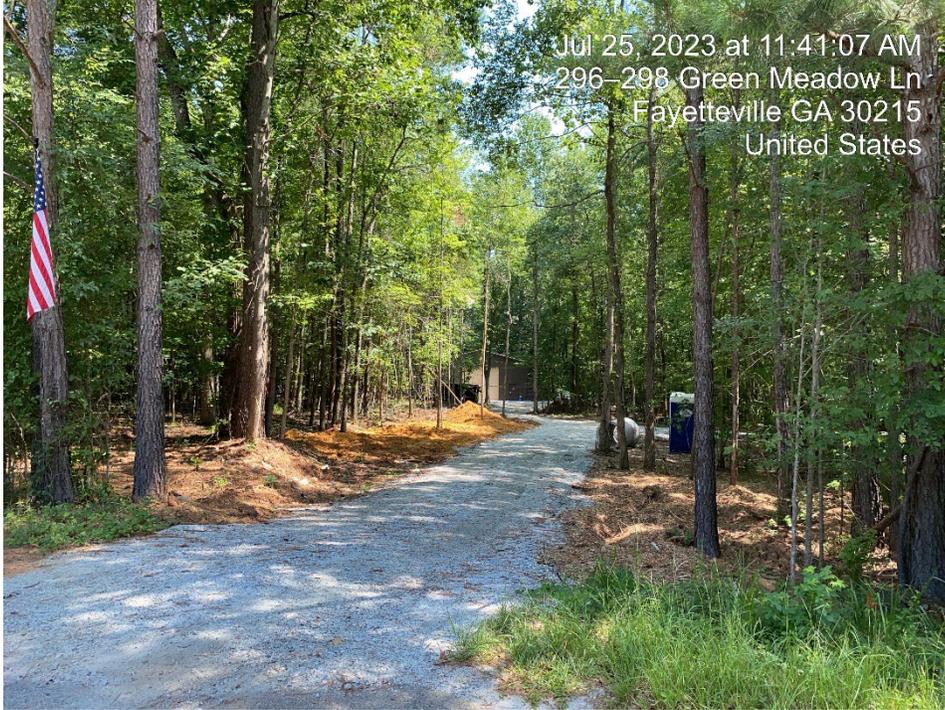
SURVEY



UNPERMITTED STRUCTURE
(BUILDING SAFETY)



UNPERMITTED STRUCTURE, VIEW FROM ROAD



Jul 25, 2023 at 11:41:07 AM
296-298 Green Meadow Ln
Fayetteville GA 30215
United States

1330-23 – Parcel # 0701 072



Jul 25, 2023 at 11:41:42 AM
290-294 Green Meadow Ln
Fayetteville GA 30215
United States

1330-23 – Parcel # 0701 072

PETITION NUMBER: 1330-23

**APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

PROPERTY INFORMATION:

Parcel No. 0701072 Acreage: 19.58

Land Lot: 01 Land District: 7th

Address: Green Meadows Lane

Existing Zoning: P.U.-D Requested Zoning: AGRICULTURAL (A-R)

Zoning of Surrounding Properties: AGRICULTURAL (A-R) ? P.U.-D

Existing Use: NONE Proposed Use: A-R

Total Number of Acres Requested to be Rezoned: 19.58

Land Use Plan Designation: Rural Residential / Conservation

Name and Type of Access Road: Internal Loop

Location of Nearest Water Line: FRONT OF PROPERTY ON GREEN MEADOWS LN

PROPERTY OWNER INFORMATION

Name JOSHUA & CARRIE BREWER
Email JOSH@BREWER-USA.COM
Address 62 ROSEWOOD CT PTC
Phone (678) 578 9861

AGENT/DEVELOPER INFORMATION

(If not owner)
Name _____
Email _____
Address _____
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1330-23

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: JULY 12, 2023

DATE OF PLANNING COMMISSION HEARING: AUG 3, 2023

DATE OF COUNTY COMMISSIONERS HEARING: AUG 24, 2023

Received from JOSHUA D. BREWER a check in the amount of \$ 400.00 for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: JULY 6, 2023 Receipt Number: 018541

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

JOSHUA & CORRIE BEAVER

Please Print Names

Property Tax Identification Number(s) of Subject Property: ~~0770~~ 07701072

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 01 of the 7th District, and (if applicable to more than one land district) Land Lot(s) N14 of the N1A District, and said property consists of a total of 19.58 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to JOSHUA & CORRIE BEAVER to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

[Signature]
 Signature of Property Owner 1

102 ROSEWOOD CT PTC
 Address

[Signature]
 Signature of Property Owner 2

102 ROSEWOOD CT PTC
 Address

 Signature of Property Owner 3

 Address

 Signature of Authorized Agent

 Address

[Signature]
 Signature of Notary Public

5/5/2023
 Date

KELLY J. HEDDEN
 NOTARY PUBLIC
 Coweta County
 State of Georgia
 My Comm. Expires August 12, 2024

[Signature]
 Signature of Notary Public

5/5/2023
 Date

KELLY J. HEDDEN
 NOTARY PUBLIC
 Coweta County
 State of Georgia
 My Comm. Expires August 12, 2024

 Signature of Notary Public

 Date

 Signature of Notary Public

 Date

OWNER'S AFFIDAVIT

NAME: JOSHUA & CORRIE BREWER PETITION NUMBER: 1330-23

ADDRESS: 102 ROSALIND CT PEACHTREE CITY GA 30269

PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

JOSHUA & CORRIE BREWER affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) POD Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 350.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to AR.

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6th day of July, 2023 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5th DAY OF May, 2023

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC

KELLY J. HEDDEN
NOTARY PUBLIC
Coweta County
State of Georgia
My Comm. Expires August 12, 2024

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

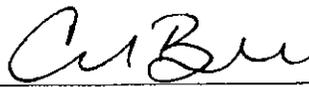
I/We, JOSHUA & CORRIE BEWICK, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 30 feet of right-of-way along GREEN MEADOW LN as measured from the centerline of the road.

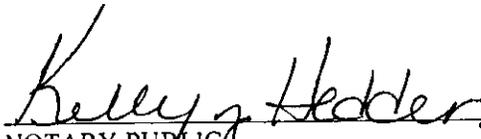
Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 5th day of May, 2023.


SIGNATURE OF PROPERTY OWNER


SIGNATURE OF PROPERTY OWNER


NOTARY PUBLIC

KELLY J. HEDDEN
NOTARY PUBLIC
Coweta County
State of Georgia
My Comm. Expires August 12, 2024

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- [] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- [] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this _____ day of _____, 20_____.

APPLICANT'S SIGNATURE

X

**Developments of Regional Impact
Tiers and Development Thresholds**

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

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7

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: No Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

§ 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

HISTORY: Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

- Application form and all required attachments completed, signed, and notarized, as applicable.
- Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- Boundary Survey (Separate from Conceptual Plan; 1 paper copy and 1 electronic copy in .pdf format), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor.
- Legal Description (must have metes and bounds) – 1 paper copy and 1 electronic copy in Microsoft Word .docx format
- Conceptual Plan (1 paper copy and 1 electronic file in .pdf format). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey; however it is required to be drawn to scale, and include all applicable items below:
 - a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
 - b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
 - c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
 - d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
 - e. Minimum zoning setbacks and buffers, as applicable.
 - f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
 - g. Location and dimensions of exits/entrances to the subject property.
 - h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
 - i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
- A letter of intent for a non-residential rezoning request, including the proposed use(s).

Doc ID: 01018820003 Type: PLAT
 Recorded: 07/25/2017 at 09:30:00 AM
 File # 624-00000000000000000000
 Filed in: Public Access
 Sheila Studdard Clerk of Court
 BK 50 PG 37-39
COPY

OWNERS CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the CAMP SOUTHERN GROUND Subdivision, hereby offer to dedicate and/or reserve for public use the rights-of-way, easements and other ground shown on this plat.

We, the undersigned owner(s), understand this Final Plat and any Maintenance Bond and/or Irrevocable Letter-of-Credit shall expire and thus become void if the Final Plat is not recorded into the Fayette County Clerk of Superior Court records within 90 calendar days (---/---/---) of the date of approval by the Planning Commission.

Owner _____ Date _____
 Mortgage _____ Date _____
Elle S. Merle, CPA 7/18/2017
Spotty Merle, LLC

Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.

WETLANDS

Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Property owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization.

APPROVALS

Approved by Fayette County Environmental Health Department.
 Date 7/24/17 Signed [Signature] Environmental Health Specialist
 Approved by the Fayette County Zoning Administrator.
 Date 7/19/2017 Signed [Signature] Zoning Administrator
 Approved by Fayette County Environmental Management
 Date 7-19-17 Signed [Signature] Environmental Management Director
 Approved by Fayette County Engineer
 Date 7-18-17 Signed [Signature] Fayette County Engineer

SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

By: [Signature] 7/14/17 Date
 SCOTT D. GRUSENMEYER RLS 3130

ENGINEER'S CERTIFICATE

I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

By: [Signature] 7/14/17 Date
 JASON L. WALLS, P.E.

GENERAL NOTES

- OWNER/ DEVELOPER:
 SPOTTY MERLE, LLC.
 101 GARDNER PARK
 PEACHTREE CITY, GEORGIA 30269
 CONTACT: BEN FERGUSON (404) 941-3480
- ENGINEER AND SURVEYOR:
 INTEGRATED SCIENCE & ENGINEERING, INC.
 1039 SULLIVAN ROAD, SUITE 200
 NEWNAN, GEORGIA 30265
 CONTACT: JASON L. WALLS, P.E. (770) 461-4292
- WETLANDS DELINEATED BY CORBLU ECOLOGY GROUP, LLC ON 6/30/17
- 100 YEAR FLOOD PLAIN LIMITS SHOWN ARE FROM FAYETTE COUNTY FUTURE CONDITIONS FLOOD STUDY
 TRACTS 9 AND 20 CONTAIN A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY. AS REQUIRED BY ART. IV OF THE DEVELOPMENT REGULATIONS A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY.

5. WATER SERVICE TO BE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
 6. PRIVATE SEWER (VIA UNDERGROUND SEPTIC SYSTEM)

7. NO GROUNDWATER RECHARGE AREAS EXIST ON THIS PROPERTY.
 8. THE PROPERTY IS CURRENTLY ZONED PLANNED UNIT DEVELOPMENT FOR PRIVATE RETREATS OR LODGES (PUD-PRL).

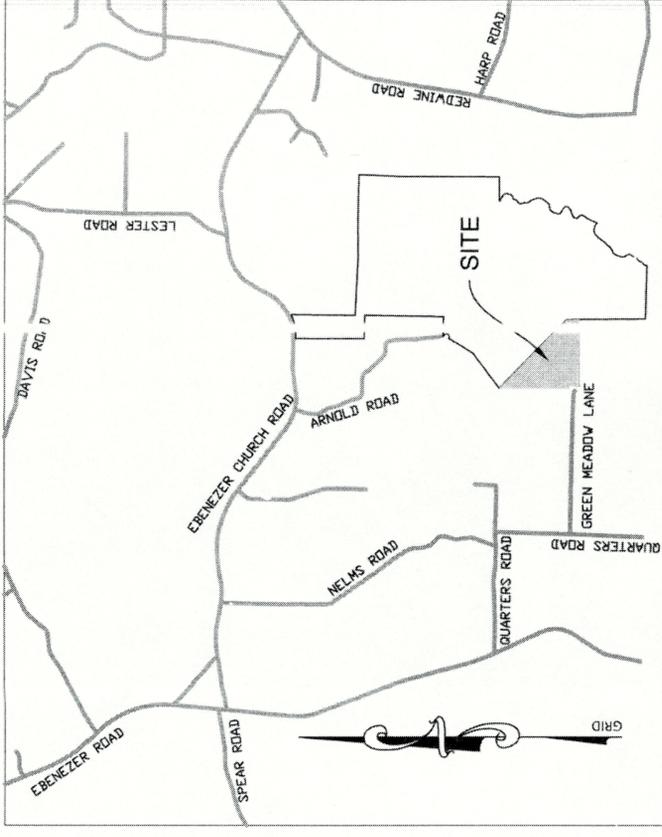
SITE INFORMATION:
 TOTAL SITE AREA: 35.33 ACRES
 TOTAL NUMBER OF LOTS = 2
 MINIMUM LOT SIZE: 5 ACRES
 TRACT 9 = 15.75 ACRES
 TRACT 20 = 19.58 ACRES

9. SETBACKS / BUFFERS:
 1. FRONT YARD SETBACK:
 A. MAJOR THOROUGHFARE:
 i. ARTERIAL: 100 FEET
 ii. COLLECTOR: 100 FEET
 B. MINOR THOROUGHFARE: 75 FEET
 2. REAR YARD SETBACK: 75 FEET
 3. SIDE YARD SETBACK: 50 FEET
 MIN. LOT WIDTH: 250 FEET

10. MINIMUM FLOOR AREA: 1,200 SQUARE FEET
 11. EACH RESIDENTIAL BUILDING LOT HAS A MINIMUM CONTIGUOUS AREA OF 2.0 ACRES THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
 TRACT 9 = 2.03 ACRES
 TRACT 20 = 2.05 ACRES

12. PER THE FLOOD INSURANCE RATE MAP # 13113C0094E, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008, A PORTION OF THIS PROPERTY IS IN A SPECIAL FLOOD HAZARD AREA
 13. REVISED PLAT INFORMATION: RP-050-11, APPROVED DECEMBER 12, 2011
 14. THERE ARE NO EXISTING EASEMENTS ASSOCIATED WITH THE PROPERTY

VICINITY MAP



THE PURPOSE OF THIS REVISION IS TO REVISE TRACT 9 AND ADD TRACT 20 TO ROUNDTREE PLACE, PLAT BOOK 31 PAGE 88

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT HIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEER AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

[Signature]
 SCOTT D. GRUSENMEYER GA RLS # 3130
 SGRUSENMEYER@TSC.COM
 FIELD WORK PERFORMED: 6/7/17
 DATE OF PLAT PREPARATION: 6/27/17
 EQUIPMENT UTILIZED: LEICA TS12 P 3"

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 24,570 FEET, AND AN ANGULAR ERROR OF 6" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 641,568 FEET.



REVISED FINAL PLAT
 OF
 TRACT 9
 ROUNDTREE PLACE

LOCATED IN LAND LOT 1 OF THE 7TH DISTRICT, FAYETTE COUNTY, GA

INTEGRATED Science & Engineering
 1039 Sullivan Road, Suite 200, Newnan, Georgia 30265
 (p) 678.552.2106 (f) 678.552.2107
 Atlanta/Savannah

Rev.	Description	Date
1	Per comments	7/6/17
2	Per comments	7/14/17

Date: 6/27/17
 Drawn by: JMW
 Check by: JMW
 Project #: 1002.1205

Doc ID: 010188820003 Type: PLAT
Recorded: 07/25/2017 at 09:30:00 AM
Fee Amt: \$24.00 Page: 1 of 3
Fayette County Board of Commissioners
Shirley Studdard, Clerk of Court
BK 50 PG 37-39

COPY

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
NO. 1222-11

WHEREAS, Russell W. and Donna S. Jordan and Spotty Merle, LLC, owners and Ken Ward, Agent, having come before the Fayette County Board of Commissioners on the 15th day of December, 2011 requested an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request to rezone 484.39 acres from A-R to PUD-PR-L to develop a planned retreat and/or lodge; property is located in Land Lots 1, 2 and 3 of the 5th District and 32 of the 9th District and fronts on Ebenezer Church Road, Arnold Road, and Green Meadow Lane;

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

NOW, THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on December 16, 2011 was that the request to rezone the subject property be approved with the following conditions:

- The owner/developer shall dedicate, at no cost to Fayette County, additional right-of-way if required during design for the construction and long term maintenance of shoulder, drainage ditch, and a deceleration lane/light turn lane from Ebenezer Church Road to proposed road. (This condition is to ensure the provision of adequate right-of-way for future road improvements per an established policy of the Fayette County Comprehensive Plan and the Development Regulations which stipulate how much right-of-way is needed for compliance.)

- The pool on Tract #1, located in the buffer, will need a Variance approval to remain or will have to be removed prior to Preliminary Plat approval. (This condition is to ensure no structure is located within the buffer.)

SO RESOLVED, this 16th day of December, 2011.

FAYETTE COUNTY BOARD
OF COMMISSIONERS

ATTEST:

By: *Karen Morley*
Karen Morley, Chief Deputy Clerk

Herbert E. Frady
Herbert E. Frady, Chairman

LEVEL III SOIL SURVEY

I, Eric A. Hamilton, C.P.S.S. do hereby certify that the Level III soil survey information provided on this plat was performed by

Applied Environmental Sciences, Inc. in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Signature of Soil Classifier

224

Georgia DHR Soil Classifier, Professional Geologist, or Professional Engineer

Registration No. _____

Registration Numbers/License Numbers _____

90-F Glenda Trace #327, Newnan, GA 30265 / Phone: 678-262-4020

Company Address & Telephone _____

WETLAND DELINEATOR'S CERTIFICATE

I, John T. Vermont, P.W.S., C.E. of Corbitt Ecology Group, LLC organization

do hereby certify that I have field inspected the property known as

REVISED TRACT 9 ROUNTREE PLACE on 6-30-17 and determined that the

subdivision name _____ date _____

X _____ does not contain jurisdictional wetlands as defined by

the U.S. Army Corps of Engineers.

John T. Vermont
(Electronic signature by permission)

Signature of Wetland Delineator

3225 South Cherokee Lane, Bld. 800, Woodstock, Ga. 30188 / Phone: 770-591-9990

Company Address & Telephone _____



Where Quality is A Advantage

To: Fayette County Planning Commission

From: Dennis Dutton, Zoning Administrator

Date: September 25, 2012

Subject: Preliminary Plat to be considered on October 4, 2012

PRELIMINARY PLAT

Camp Southern Ground

OWNER/APPLICANT

Spotty Merle, LLC

Ken Ward, Agent

Recommend APPROVAL with one Condition of the Preliminary Plat dated 9/25/12 contingent on Approval of Relief to Section 8-505(c) of the Fayette County Subdivision Regulations, Contiguous Areas for Residential Development for Lot 1.

CONDITION: The pool (located in the buffer) and the necessary structure (located in the front yard and front yard setback) on Lot 1 will need Variance approvals to remain or will have to be removed prior to Final Plat approval.

Mailing Address: 40 Southwell-Lepore Way, Fayetteville, GA 30214 • Main Phone: 770-802-1392 • Web Site: www.fayettecountyga.gov

DATE: October 4, 2012

PLANNING COMMISSION

The Fayette County Planning Commission considered Petition No. UH-002-12, for the owner's request of Undeveloped Land for relief from the contiguous area requirements from the Fayette County Development Regulations, be:

Approved 5-0

Disapproved _____

Withdrawn _____

Tabled until _____

Tabled until _____

TIM THOMAS, CHAIRMAN

Al Gilbert

AL GILBERT, VICE-CHAIRMAN

Bill Beckwith

BILL BECKWITH

Donna Powell

DONNA POWELL

Jam Crow

JAM CROW

Remarks: _____

INTEGRATED Science & Engineering
1039 Sullivan Road, Suite 200, Newnan, Georgia 30265
(770) 678-5522 / 2106 (p)
Atlanta/Savannah

Rev.	Description	Date
1	per comments	7/6/17
2	per comments	7/14/17

Date: 6/27/17
Project # 1002.1205
Drawn by: SDG
Check by: JLM

REVISED FINAL PLAT
OF
TRACT 9
ROUNTREE PLACE
LOCATED IN LAND LOT 1 OF THE 7TH DISTRICT, FAYETTE COUNTY, GA

SHEET 2
OF 3



STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
PETITION NO. A-599-13

WHEREAS, Spotty Merle, LLC, Owner, and Ken Ward, Agent, having come before the Fayette County Zoning Board of Appeals on December 16, 2013, requests a pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request be as follows: Request a Variance for the purpose of obtaining (1) a variance to allow an existing, necessary structure to remain in the front yard; (2) a 10 foot variance to reduce the front yard setback from 75 feet to 65 feet for an existing accessory structure; and (3) a variance to allow an existing pool to remain in a buffer. This property is located in Land Lot(s) 1 & 3 of the 5th/7th District, fronts on Ebenezer Church Road, Arnold Road and Green Meadows Lane, and is zoned PUD-PR-L; and

WHEREAS, the Fayette County Zoning Board of Appeals having convened, and considered said request; new

BE IT RESOLVED that based on the decision of the Fayette County Board of Appeals, said request was APPROVED.

The decision is based on the following reasons:
Relief would not be contrary to the public interest and, without relief, a literal enforcement of the Ordinance would result in a practical difficulty and/or unnecessary hardship.

No practical difficulty and/or unnecessary hardship was established.

ZONING BOARD OF APPEALS

Respectfully submitted by:

Rob Bolton
VIC BOLTON
CHAIRMAN

[Signature]
ZBA SECRETARY

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION
PETITION NO. A-613-14

WHEREAS, Camp Southern Ground, Inc. and Spotty Merle, LLC, Owner, and Drake Bivins and Ben Ferguson, Agent, having come before the Fayette County Zoning Board of Appeals on September 25, 2012, requests a pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: Request Variance to Sec. 110-67 Street frontage for access (a) (2), from the requirement of creating a property owners' association for the ownership of a private street which the owner of any lot within the subdivision is required to join. This property is located in Land Lot(s) 3 of the 7th District, fronts on Ebenezer Church Road, and is zoned PUD-PR-L; and

WHEREAS, the Fayette County Zoning Board of Appeals having convened, and considered said request; new

BE IT RESOLVED that based on the decision of the Fayette County Board of Appeals, said request was APPROVED with two (2) conditions as follows:

- That the private road shall be maintained in perpetuity by Camp Southern Ground, said condition to be with the land.
- That Camp Southern Ground shall provide irrevocable ingress and egress easements to Lots 1 and 2, said condition to run with the land.

The decision is based on the following reasons:
Relief would not be contrary to the public interest and, without relief, a literal enforcement of the Ordinance would result in a practical difficulty and/or unnecessary hardship.

ZONING BOARD OF APPEALS

Respectfully submitted by:

Rob Bolton
VIC BOLTON
CHAIRMAN

[Signature]
ZBA SECRETARY

Rev.	Description	Date
1	per comments	7/6/17
2	per comments	7/14/17

SCALE: 1" = 150'

Project # 1002.1205

Date: 6/27/17

Drawn by: SDG

Check by: JLM

LOCATED IN LAND LOT 1 OF THE 7TH DISTRICT, FAYETTE COUNTY, GA

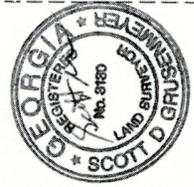
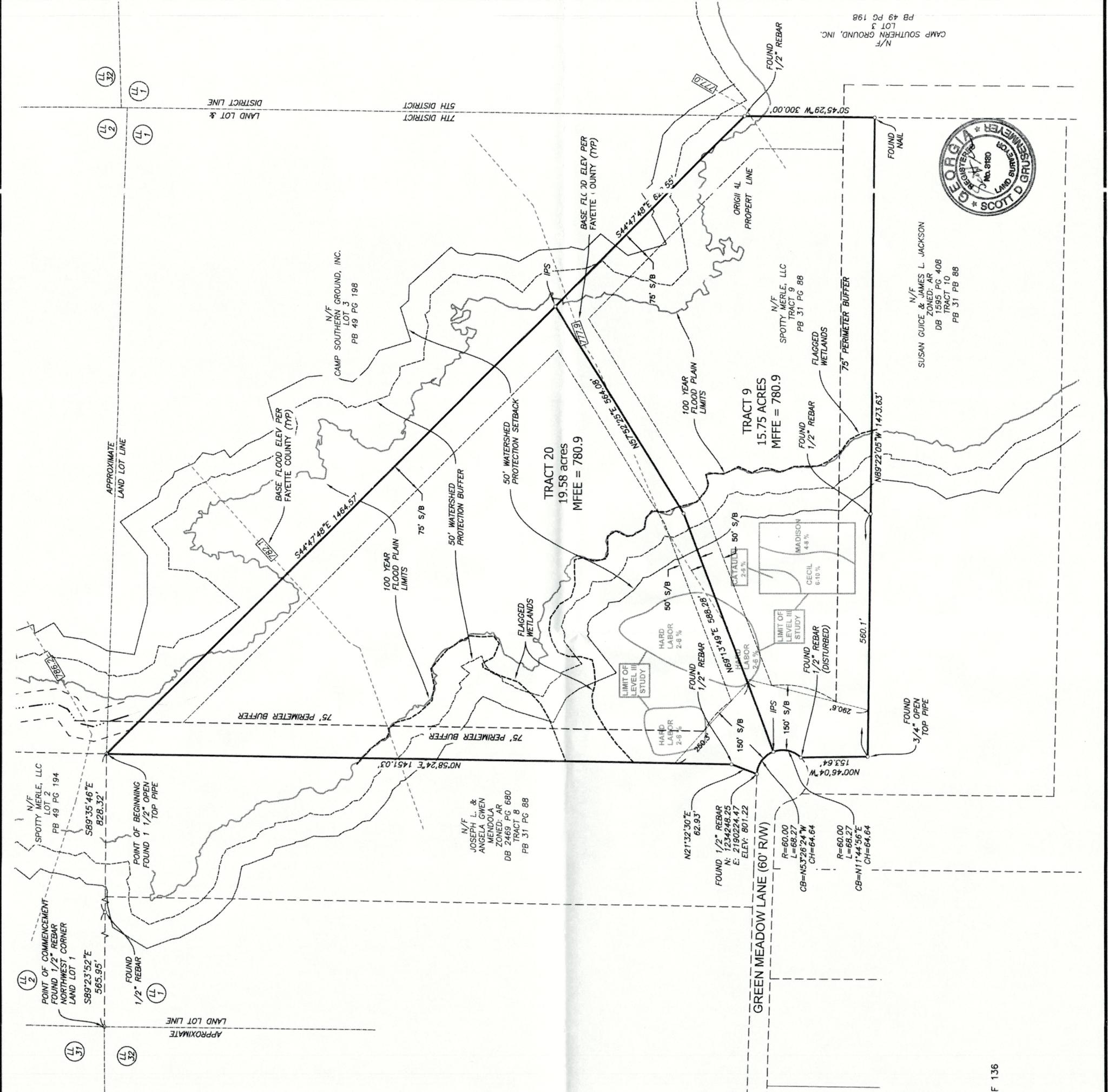
REVISED FINAL PLAT

OF

TRACT 9

ROUNTREE PLACE

SHEET 3
OF 3



SUSAN GUICE & JAMES L. JACKSON
 ZONED: AR
 DB 1595 PG 408
 TRACT 10
 PB 31 PG 88

N/F
 JOSEPH L. &
 ANGELA GWEN
 MENDOLA
 ZONED: AR
 DB 2469 PG 680
 TRACT 8
 PB 31 PG 88

N/F
 SPOTTY MERLE, LLC
 LOT 2
 PB 49 PG 194

POINT OF COMMENCEMENT
 FOUND 1/2" REBAR
 NORTHWEST CORNER
 LAND LOT 1
 S89°23'52"E
 565.95'

POINT OF BEGINNING
 FOUND 1/2" REBAR
 TOP PIPE
 S89°35'46"E
 828.32'

GREEN MEADOW LANE (60' RW)

R=60.00
 L=68.27
 CB=N53°26'24"W
 CH=64.64

R=60.00
 L=68.27
 CB=N11°44'56"E
 CH=64.64

- LEGEND
- S/B = BUILDING SETBACK LINE
 - IPF = IRON PIN FOUND
 - IPS = SET 1/2" REBAR WITH CAP LSF 136
 - DB = DEED BOOK
 - PG = PAGE
 - OTP = OPEN TOP PIPE
 - N/F = NOW OR FORMERLY
 - LL = LAND LOT
 - R = RADIUS
 - L = LENGTH
 - CB = CHORD BEARING
 - CH = CHORD LENGTH

Doc ID: 01018850003 Type: PLAT
 Recorded: 07/25/2017 at 08:30:00 AM
 Fee Amt: \$24.00 Page 1 of 3
 Fayette, Ga. Clerk Superior Court
 Shellia Studdard Clerk of Court

BK 50 PG 37-39

COPY

After Recording Return To:
SLEPIAN & SCHWARTZ, LLC
42 Eastbrook Bend
Peachtree City, GA 30269
(770)486-1220

TAX PARCEL ID: 0701 072

Order.No.: 23-0268-JEN

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 10th day of April, 2023, between **SPOTTY MERLE, LLC**, as party or parties of the first part, hereinafter called Grantor, and **JOSHUA D. BREWER and CORRIE E. BREWER**, as party or parties of the second part, as joint tenants with right of survivorship and not as tenants in common, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING TRACT 20, CONTAINING 19.58 ACRES MORE OR LESS AS PER PLAT RECORDED AT PLAT BOOK 50, PAGES 37-39, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

SPECIAL EVENTS – REVISED

Discussion Points

This ordinance shall replace:

Conditional Use 110-169.bb. Horse show, rodeo, carnival, and/or community fair.

Staff Notes:

- When someone wishes to obtain a Conditional Use Permit, they must meet all the requirements of that use, but the use does not require a public hearing or special approval by the Board of Commissioners. This is the standard for all Conditional Use Permits in Fayette County.
- All fees charged for applications & permits are listed in the adopted fee schedule, which may be amended from time to time.
- Alcohol permits are not issued by the Planning & Zoning Department. That is a separate application process that is handled by the Marshal's Office.
- Violations are addressed by Law Enforcement (Sheriff's Office or Marshal's Office).
- Penalties are not assessed by the Planning & Zoning Department; they are provided within the County's Ordinance and assessed at the discretion of the presiding judge should a citation be issued.

Definition:

- *Special Event* means, any activity that occurs on public or private property that affects the ordinary use of parks, public streets, right of ways or sidewalks, and that is not already a permitted use in the zoning district where it is held or is outside the normal range of programs and activities of the sponsoring organization, or any event that charges admission fees or sells tickets. Special events may include, but are not limited to, festivals, fairs, tours, concerts, rodeos, horse shows, filming, grand openings, races, parades, car shows, block parties, or motorcades.

Applicability & Location:

- Special Events are allowed in the A-R and C-H zoning districts, and for existing facilities and institutions already permitted in other zoning districts.

- In the A-R district, a parcel(s) where the event is held must have a minimum combined total of 25 acres, with an exception for facilities and institutions that are already approved for events or gatherings (see below).
- Facilities and institutions that are already approved for events shall not require an additional permit for events that do not exceed the permitted occupancy load for the principal structure.
- Events that charge admission fees or sell tickets shall be considered a commercial business activity and shall obtain an appropriate Occupational Tax Certificate with the County.
- Private social gatherings that do not charge admission or advertise the event, such as birthday parties, graduation parties or wedding receptions, are not considered Special Events.
- Garage sales/yard sales or other similar casual sales of tangible property are not considered Special Events.
- Home occupation businesses do not qualify a property for a Special Event.

Duration:

- Any single event may not exceed three (3) consecutive days in duration.
- Up to two (2) events per year may be held at a specific location or property.
- Events that are expected to host more than 5,000 attendees in a single day, or have exceeded this threshold in the past, may be operated for 1 calendar day per year.
- Setup for events is permitted to begin up to 7 days prior to an event.
- Breakdown and cleanup shall be completed within 3 days after the end of the event.

Application and Fees:

- An application for an event shall be submitted at least 90 days, but not more than 6 months, prior to the event.
- Application & permit fees shall be determined by the Board of Commissioners and shall be added to the adopted Fee Schedule.
- An Occupational Tax Certificate is required for Commercial Events.
- Large events may require off-duty law enforcement officers and other emergency responders such as EMTs; this need shall be determined by staff.

- It shall be the responsibility of the event host to pay for off-duty law enforcement and emergency responders.
- A cash bond shall be required to ensure adequate emergency and law enforcement personnel are on site if the organizer/host fails to provide these services. Bond amount(s) to be determined.

General Requirements: Some or all the following items shall be required, as determined by staff.

- Schedule
 - Setup/staging
 - Event activities
 - Breakdown
- Site plan
 - Event layout – include all activity areas, structures, etc.
 - Traffic plan
 - Utilities plan
 - Lighting plan
 - Noise abatement plan
 - Event facilities and programming shall be located and oriented to reduce noise impacts on neighbors. This includes items like stages, specific activity areas and any sound systems/speaker locations.
- Communications plan
 - Law enforcement
 - Provide a public announcement with date(s) and time(s) of event. This shall be advertised in the local newspaper (not in the classified section) and with signs posted at the public right of way of the event location.
- Safety plan -- the host/organizer is responsible for providing for traffic control and security, and for providing certified medical personnel and emergency services for the duration of the event.
 - Security plan
 - Emergency access plan
 - Evacuation plan
 - Crowd safety

- Fire safety plan – access, fire extinguishers, etc.
 - First aid station(s)
 - Water stations
 - Signage
- Sanitation plan
 - Port-o-lets
 - Trash & recycling containers
 - Post-event cleanup, including adjacent rights of way
- Food services plan
 - Locations
 - Utilities & generators
 - Permitting & oversight
 - Sanitation
 - Water
- Transportation plan
 - Accommodations for existing traffic patterns & resident access
 - Placement of temporary signage
 - Reduce or eliminate pedestrian traffic
 - Parking – location(s) – on site or off-site
 - Shuttle services
 - Driveways
 - Certification that driveways are properly accessible by emergency services equipment
 - Ingress & egress points
 - GDOT approval, if required
- Electrical plan, including generators (see permitting)
- Water plan – is water provided for food vendors?
- Permits
 - Building permits for structures (i.e. stages, bleachers, portable buildings)
 - Electrical permits
 - Generators
 - Charging stations

- Speakers
- Lighting
- Tent permits
 - Building Safety
 - Fire Marshal
- Food Vendor Permits
- Sanitation facility permit



Deborah L. Bell, RLA
Director, Planning & Zoning
140 Stonewall Avenue West, STE 202
Fayetteville, Georgia 30214
July 22, 2023

Dear Mrs. Bell,

I am Bobby Ferrell, president of the North Fayette Community Association. I am writing this letter to you in response to the Special Events Discussion Points from your work session on July 6, 2023. Unfortunately, I was not able to attend that work session, but was able to obtain the discussion points from that work session. After reviewing and discussing it with other community leaders, I drafted a discussion/correction letter for your review that only addressed items of concern. Other points were not of concern and not addressed. Hopefully, you are planning another work session that entails community input now that we have information on the direction your office is going towards. Please see the attached 3-page Discussion Point community input correspondence accompanying this cover letter.

As always, I am available to you by phone, in person or email. I also look forward to your next visit to our quarterly North Fayette Community Association meeting on either August 19th or November 18th. Members enjoyed your last visit and learned a great deal of information about your office and information on “less known” ordinances.

Respectfully submitted,

Bobby B. Ferrell, President
North Fayette Community Association

SPECIAL EVENTS

Discussion Points (Community Review)

The verbiage of Horse show, rodeo, carnival and/or community fair should be completely removed from the ordinance because of its antiquated connotations and the many activities that can be held under each event or simply not allowed in A-R zones. Commercial events for profit should be held only in other appropriate commercial zones.

NOTE: Are you saying that there will be no “Public Hearings” or Board of Commissioner vote for approval for Conditional Use permits? If so, this cannot happen. Public Hearings or BOC votes must never be negated when it comes to impacting the public/community. These decisions should never be left solely up to the employees of the county.

Definition, Applicability & Location:

- Special Event meaning is too broad. This is saying Fayette County is OPEN to any major event anywhere in the county to include densely populated residential neighborhoods and A-R zones. Should be narrowed down to levels of patronage size, zoning area, type of event, time of day, public safety approval, noise nuisance, etc.
- Large Events (according to patronage size) that charge should be held in Commercial zones since you want to designate these events as commercial
- Events of fewer than 500 people (non-paying) could be allowed in A-R zones for existing permitted facilities and institutions. Events larger than 500 people (paying or not) shall be held in other appropriate commercial zone areas. These permitted areas shall follow the guidelines of their issued permit to include local and state ordinances.

Duration: OK

Application and Fees:

- **Side Note:** You want the Board of Commissioners to determine application fees, but not their approval of “Conditional Use” permits through Public Hearings? Please explain.
- An application fee schedule should be created according to size (number of expected patrons), hours of operation, type of event (non-profit or for profit). Alcohol or non-alcoholic beverages served.
- “Cash Bond?” Please explain? Is this for “IF” an event does not follow approval guidelines (permit)? So, if the promoter/organizer/host falls short of their requirements, do you mean that the “County” would step-in with workforce and equipment during the event and fulfill the balance of the requirements using the “Cash Bond” monies submitted upfront? An event that does not follow the guidelines of the permit should not receive final approval on final inspections. In addition, it should be shut down during the event and/or sanctioned for code and ordinance violations.

- **ADDITION:** An Event Monitor should be in place/on duty with access granted to ALL areas of the event. This monitor should have ABSOLUTE authority to request adherence to the permit or shut down event for public safety or noncompliance.

Requirement for all events:

- **Addition:** All of the following items shall be required, as determined by staff, **County Marshal, County Sheriff and Public Works.**
- **Noise abatement plan:** Stages erected requiring permits and electrical permits shall not be erected in densely populated residential communities (homes within .25 miles of stage) to include homes zoned A-R. Permitted event facilities zoned commercial shall operate according to issued permit and local ordinances to include state laws.
- **Communication plan:** Law Enforcement?? What role should Fayette County public safety officials play in this communication plan to the affected neighborhoods outside of public safety and enforcing laws?? I asked these questions because they are not detailed in your discussion points.
- Why should neighbors and adjacent businesses be notified if the event is held properly and officially within an area zoned commercial? “Proper” meaning an event held in a commercial area with roadways large enough to handle increased traffic and located as such to not create a nuisance. “Official” meaning they were approved via Public Hearings, Board of Commissioners, Public Safety Officials and staff.

Safety Plan: Why is this entire section more PROFOUNDLY defined and organized better than the previous sections of your Special Event Discussion Points? This section describes how the next “Rick Ross Car and Bike Show” in 2024 will take place. What is missing is the area where an event of this magnitude should take place. Nor anywhere in your discussion points did you talk about how to regulate an event hosting up to 7000 paying patrons. An event of this magnitude should not be approved in an A-R zoned area for the corrections I stated previously.

SANCTIONS: This is missing from your Discussion Points

- **Penalties:** Any violations that occur should have sanctions. A schedule of fines and/or imprisonment should be a part of the event application.

I am formally asking for and to be included in another work session concerning the replacement of Conditional Use 110-169bb Horse Show, rodeo, carnival and/or community fair. Please provide me with a date and time. On May 17, 2023, your office and County Commissioners received a very scathing letter from the lead attorney representing William Leonard Roberts II aka “Rick Ross” Leron E. Rogers, detailing why his client should move forward with the event according to Fayette County ordinances. He also informed officials that regardless of the official denial decision dated May 16, 2023 of the 2023 Rick Ross Car and Bike show, his client would still move forward with impunity with this event. After reading his complete breakdown of the Conditional Use ordinance, your office understood why he should move forward just like I did. Although local law enforcement and EMS reported no significant issues, the community was held hostage and disregarded yet another year. This year’s event encumbered two counties, paid

law enforcement officers to operate above the law (escorted event busses down reversible lanes that you nor I cannot travel in other than making turns), shut down state highways (small section of SR279 in front of Northridge Subdivision where residents were not allowed to turn left out of their subdivision) and delayed mass transit (MARTA). All these encumbrances happened because of the antiquated Conditional Use ordinance of Fayette County. I highly and respectfully expect a complete overhaul of this ordinance for the betterment of the community and to protect the county from future litigation.

Here are some background insights on me. I have worked the last 27 plus years in Public Safety. I was employed as a Deputy Sheriff for Fulton County for 7 seven years. I retired from the Atlanta Fire Rescue Department as a Fire Captain after 20 honorable years of service. While at the fire department, I served many roles from firefighter to Station Captain. My most notable assignment was working in the Fire Marshal office as a Lieutenant Fire Inspector for over two years and as a part time Fire Marshal at the Georgia World Congress center where I monitored events from concerts, major public city venues to major sporting events. Currently, I am a state certified Fire Inspector I and hold state certification for Life Safety Code. I also served on the City of Atlanta Special Events committee where we reviewed event organizers' applications for approval or denial. I have worked countless special events within the City of Atlanta that required fire code enforcement from private parties to major league games. I have also written many citations that resulted in court room testimony, fines, probation and/or fire code sanctions. Currently, I serve as a part time Deputy Sheriff at a neighboring county assigned to court services. Being a public servant has been my passion for almost 3 decades.